

Notice of Allowability

Application No.

10/796,321

Examiner

Brian D. Nguyen

Applicant(s)

OUELLETTE ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/24/07.
2. ☒ The allowed claim(s) is/are 1-4, 7-16, 18-21 (renumbered 1-18, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20080107.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

BRIAN NGUYEN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Lindsay McGuinness on 1/7/08.
3. The application has been amended as follows:
 1. (currently amended) An apparatus comprising:
 - a controller;
 - a buffer, coupled to the controller, the buffer having a target fullness associated therewith and providing the controller with current fullness indications; and
 - wherein the controller includes means for collecting the current fullness indications and means for periodically updating the target fullness of the buffer in response to the current fullness indications, wherein the means for updating the target fullness of the buffer includes identifying a minimum fullness of the buffer over a given monitoring interval and calculating a delta value, the delta value calculated by subtracting the minimum fullness of the buffer from ~~the~~ a lower threshold of the buffer, wherein the lower threshold identifying a minimum desired number of packets in the buffer.
 2. (currently amended) The apparatus of claim 1, wherein the buffer has associated therewith an upper threshold, identifying a maximum desired number of packets in the buffer ~~and a lower threshold, identifying a minimum desired number of packets in the buffer,~~ and

wherein the controller controls transmission of packets from the buffer if the collected current fullness indications indicate that either the upper threshold or lower threshold have been crossed.

4. (currently amended) The apparatus of claim 2, further comprising transmission logic for transmitting packets from the buffer, wherein the controller includes logic for discarding packets in the buffer if the current fullness ~~indicators~~ indications indicate that the upper threshold has been crossed.

7. (currently amended) The apparatus of claim ~~[[6]]~~ 1, wherein the means for updating the target fullness of the buffer includes means for adding the delta value to the target fullness.

9. (currently amended) The apparatus of claim ~~[[5]]~~ 1, wherein the means for updating the target fullness of the buffer includes means identifying a maximum fullness of the buffer over the given monitoring interval.

Conclusion

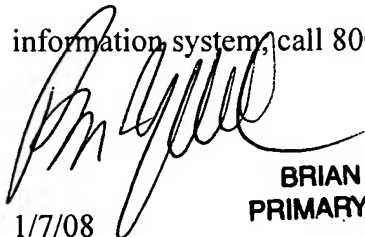
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


1/7/08

BRIAN NGUYEN
PRIMARY EXAMINER